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G/TIP FOR BARBARA FLECK  
WHA/PPC FOR MIKE PUCETTI  
WHA/BSC FOR DREW BLAKENEY

E.O. 12958: DECL: 06/25/2022

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SUBJECT: INTERIOR MINISTER ON STATUS OF ANTI-TIP LEGISLATION

REF: BUENOS AIRES 1185

Classified By: E. Anthony Wayne for reasons 1.4 (b) and (d)

¶1. (C) Summary. On June 25, Ambassador Wayne called on Interior Minister Anibal Fernandez to discuss the status of TIP legislation and ongoing counternarcotics cooperation in the Tri-Border Area (TBA), the Department's offer to conduct a counterterrorism assessment of Argentina (reported septel).

Fernandez explained to the Ambassador that while Deputy Cordoba's law was more comprehensive, he could not spend the political capital to pass this version of the law in an election year. Still, he stated that the GOA needed to pass an anti-TIP law in order to begin cracking down on human trafficking networks and so he met with key legislators where he: 1) advocated passing the Senate version of the bill; 2) suggested that the Congress introduce a new bill focused on adult trafficking victims and offered full support; 3) offered to establish a national plan for TIP prevention and victims assistance by executive decree; 4) invited the legislators to participate in a Commission that will draft implementing regulations. He indicated that President Kirchner will sign the executive decree "soon" and that he expected the Congress to vote on the draft law in July. We take the Minister's comments as a sign of his commitment to seeing legislation passed, and are optimistic that legislation will be passed and a national anti-TIP program established given that Fernandez himself is behind both the law and the decree. Meanwhile, a senior staffer of Deputy Stella Maris Cordoba expressed optimism that there is sufficient consensus in the lower House to pass more comprehensive TIP legislation. Deputy Cordoba, however, may not have sufficient sway in the Congress to push her bill through especially given that she lost internal Peronist party elections in her home province of Tucuman in May. End Summary.

Fernandez on TIP--Pass Senate Version Now, Introduce Legislation on Adult Victims After October Elections

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¶2. (C) On June 25, Ambassador Wayne called on Interior Minister Anibal Fernandez. The Ambassador noted that Fernandez had recently met with key legislators to discuss pending anti-TIP legislation, and asked about the bill's status. Fernandez noted that Deputy Cordoba's law was more comprehensive, but maintained that he could not spend the political capital to pass this version of the law in an election year. He said he had suggested to the legislators the following course of action: 1) Congress should pass the Senate version of the bill which makes TIP a federal crime, but considers consent relevant in the case of adult trafficking victims; 2) Congress should introduce a new bill focused on adult trafficking victims, which will be supported by the MOI; 3) President Kirchner will sign an executive

decree to establish a national plan for TIP prevention and victims assistance; 4) The legislators will be invited to participate in a Commission that will draft implementing regulations of the law. He indicated that President Kirchner will sign the executive decree "soon" and that he expected the Congress to vote on the draft law in July.

¶13. (C) Fernandez indicated that if the lower House insisted on comprehensive legislation, the Senate will not pass it, and, in that case, the earliest the Congress will take the issue up again is in early 2008--after the presidential elections. He also expressed concern that prostitutes may end up using the anti-trafficking law as a way to escape prosecution and pointed out that a number of Paraguayans come to Argentina to engage in prostitution. He also related a story that the MOI had received a tip that a brothel was operating in a nice neighborhood in the city of Quilmes, where the Minister is from. When he sent security forces to investigate, they discovered that the wife of an important police official was running the brothel. He also indicated that many girls selling flowers on the street are also engaging in prostitution and that the MOI has discovered that many of the clientele for child and adolescent prostitution are well-off Argentines. He said that passage of anti-TIP legislation now would give the MOI the tools to go after provincial officials involved in these crimes as well as investigate and shut down networks engaged in human trafficking.

Cordoba staffer on TIP bill status

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¶14. (C) A senior staffer for Deputy Cordoba, author of one of the TIP bills currently pending in Congress, noted that the Minister's offer to establish a national TIP program by executive decree already signals a victory in the sense that the MOI now recognizes the need for a national TIP prevention and victims assistance plan. Cordoba's staffer deemed the MOI's suggestion to introduce a new bill focused on adult trafficking victims "as unlikely", as it would only create a more intense debate over the issue of consent.

¶15. (C) Cordoba's staffer also expressed confidence that there is sufficient consensus in the lower House to pass a more comprehensive law and claimed that they had support from "other members in the Casa Rosada", without specifying whom. Ultimately this will be a political battle, Cordoba's staffer acknowledged, as Senators have stated in private that Cordoba's bill is the stronger of the bills pending in Congress, but that the Interior Minister has told them to vote for the Senate bill. The staffer claimed that Cordoba intends to push for modifications to the Senate bill to incorporate a national TIP program and to take up the issue of consent.

Comment

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¶16. (C) For weeks now, Fernandez has told us that TIP legislation will be approved soon, and we take that as a sign of his commitment to seeing legislation passed. Although we have heard that the executive would sign a decree to establish a national prevention and victim's assistance program since early 2006, we have cause to be more optimistic this go-round given that Fernandez himself supports the decree. Cordoba reportedly continues to press for comprehensive legislation; however, her ability to do so may be compromised by the fact that she lost internal Peronist party elections in her home province of Tucuman in April.

End Comment.

WAYNE